

REMARKS

I. Overview

These remarks are set forth in response to the Non-Final Office Action. As this amendment has been timely filed within the three-month statutory period, neither an extension of time nor a fee is required. Presently, claims 1 through 29 are pending in the Patent Application. Claims 1, 10 and 20 are independent in nature. In the Non-Final Office Action, the Examiner has objected to claims 9, 11-21 and 29 for minor informalities which informalities the Applicants have addressed consistently with the Examiner's suggestions. Additionally, the Examiner has rejected claims 1, 6-8, 10-11, 16-18, 20-21 and 26-28 for obviousness type double patenting in connection with co-pending application 10/956,569. In response, Applicants submit herewith a terminal disclaimer.

Yet further, the Examiner has rejected claims 11-20 under 35 U.S.C. § 101 and, in response, the Applicants have amended claim 11 as requested by Examiner. The Examiner further has rejected claims 1, 10-11 and 20-21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2004/0254792 by Busayapongchai et al. (Busayapongchai), and the Examiner has rejected 2-5, 12-15 and 22-25 under 35 U.S.C. § 103(a) as being unpatentable over Busayapongchai in view of U.S. Patent No. 6,269,336 to Ladd et al. (Ladd).

Yet further, the Examiner has rejected 6-8, 16-18 and 26-28 under 35 U.S.C. § 103(a) as being unpatentable over Busayapongchai in view of U.S. Patent No. 6,341,959 to Wen et al. (Wen). Finally, the the Examiner has rejected 9, 19 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Busayapongchai and Ladd in view of U.S. Patent No.

6,915,254 to Heinze et al. (Heinze). In response, the Applicants traverse the rejections on the art.

II. The Applicant's Invention

The Applicants have invented a method and system of identifying and optimizing audio segments in a speech application program. In the Applicants' invention, audio segments are identified and extracted from a speech application program. The audio segments containing audio text to be recorded are then optimized in order to facilitate the recording of the audio text. The optimization of the extracted audio segments may include accounting for programmed pauses and variables in the speech application code, identifying multi-sentence segments and the presence of duplicate audio segments, and accounting for the effects of co-articulation.

III. The Rejections on the Art

A. Characterization of Cited Art

Busayapongchai relates to methods and systems for automating the assembly or creation of audio files for providing to listeners or for use in voice interactive services are provided. In Busayapongchai, a voice application script is prepared and text associated with a desired audio file statement is inserted in the voice application in place of an audio file name. A recording manager software program passes the voice application script to an Extensible Markup Language (XML) parser that locates audio file tags in the voice application script. The XML parser extracts voice properties, if any, for each found audio tag, such as age and gender properties. The XML parser extracts the **text string**,

and the recording manager software module passes the text string and associated properties in a database query to an audio file recording library database for locating an audio file matching the text string and properties. If a matching audio file or combination of audio files is located, a file name for the located file or files may be populated into the voice application script so that upon execution of the voice application script, the located audio file will be called by the script for presentation to a user or for use in a voice interactive services system.

B. Argument

The plain language of Applicants' independent claims require "extracting the audio segments from the speech application program". Paragraph [0004] of Applicants' specification makes clear, "There are inherent difficulties in the process of identifying and extracting audio files and audio file content from the source code in order to efficiently create audio segments." The Examiner has equated the extraction of "text strings", however, to this limitation. Clearly, text strings are not audio segments. Accordingly, the Examiner has failed to set forth a prima facie case of anticipation and Busayapongchai fails as a reference throughout the entirety of the Non-Final Office Action.

IV. Conclusion

The Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §§ 101, 102(e) and 103(a) owing to the amended claims and the foregoing remarks. The Applicants request that the Examiner call the undersigned if clarification is

needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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